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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY RIOS,

Defendant.

Case No. 2:20-mj-00224-BNW

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (Fourth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Andrew W. Duncan, Assistant United States Attorney, counsel for the United States of America, and Jawara Griffin, counsel for Defendant Anthony Rios, that the Court vacate the preliminary hearing scheduled for September 21, 2021, at 3:30 p.m. and reschedule the hearing for a date and time convenient to this Court, but no sooner than 30 days from the currently scheduled date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1           1.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
2 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial  
3 appearance] if [the defendant is] not in custody . . . .”

4           2.       However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
5 showing of good cause—taking into account the public interest in the prompt disposition of  
6 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
7 times . . . .”

8           3.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
9 information or indictment charging an individual with the commission of an offense shall be  
10 filed within thirty days from the date on which such individual was arrested or served with a  
11 summons in connection with such charges. If an individual has been charged with a felony  
12 in a district in which no grand jury has been in session during such thirty-day period, the  
13 period of time for filing of the indictment shall be extended an additional thirty days.”

14          4.       Moreover, the parties have entered into negotiations in an attempt to  
15 promptly resolve this case and reduce the judicial and government resources required by  
16 this case. The defense requires additional time to review discovery and adequately advise  
17 Defendant regarding any plea negotiations.

18          5.       The additional time requested herein is not sought for the purposes of delay,  
19 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and  
20 prepare and to determine whether to proceed with a preliminary hearing and indictment or  
21 to resolve this case through negotiations.

22          6.       Accordingly, the parties jointly request that the Court schedule the  
23 preliminary hearing in this case no sooner than 30 days from the currently scheduled date.  
24

7. Defendant is in federal custody, agrees to the extension of the 21-day deadline imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between Defendant's initial appearance on June 4, 2021, and the rescheduled preliminary be excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. §3161(b).

8. The parties agree to the extension of these deadlines.

9. Accordingly, the additional time requested by this stipulation is (a) allowed under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

10. This is the third request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 17<sup>th</sup> day of September, 2021.

Respectfully submitted,

CHRISTOPHER CHIOU  
Acting United States Attorney

/s/ Jawara Griffin  
JAWARA GRIFFIN, ESQ.  
Counsel for Defendant  
ANTHONY RIOS

/s/ Andrew W. Duncan  
ANDREW W. DUNCAN  
Assistant United States Attorney

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**Order on Stipulation to  
Continue Preliminary Hearing and  
Deadline to Indict Defendant**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for September 21, 2021, at 3:30 p.m., be vacated and continued to 10/26/2021 at the hour of 1:00 p.m.

DATED: 9/20/2021

HONORABLE BRENDA N. WEKSLER  
UNITED STATES MAGISTRATE JUDGE